IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1131 OF 2003
IN
FIRST APPEAL NO.607 OF 2001

B.K.Jhala ...Applicant

vs.

Pune Zilla Madhyawarti Sahakari Bank Maryadit & Ors. ...Respondents.

CORAM: A.S.OKA, J.
DATE : SEPTEMBER 18,2007.

P.C.:

1. It is not in dispute that now the first Respondent has deposited the entire decretal amount as per the subsequent order passed by this court. The Applicant has already been permitted to withdraw the decretal amount deposited by the first Respondent on furnishing bank guarantee of any nationalised bank. The said order has been passed on 9th August 2001. No case is made out for modification of the said order. Hence, Application is disposed of by passing the following order :

i) The prayer for modification of the order dated 9th August 2001 is rejected.

ii) It will be open for the claimant to withdraw the entire amount deposited by the first Respondent on furnishing bank guarantee within a period of four months from today.

iii) If the amount is not withdrawn within a period of four months from today, the trial court will invest the same in fixed deposit in any nationalised bank and the fixed deposit shall be renewed from time to time till the disposal of the Appeal.

iv) Parties and the concerned court to act upon an authenticated copy of this order.

JUDGE